

**CHAPTER NO. 313**

**SENATE BILL NO. 98**

**By Kurita, Harper, Burks, Crowe**

**Substituted for: House Bill No. 562**

**By Towns, Marrero, Larry Turner**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, relative to release of information by institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by inserting sections 2 through 5 of this act as a new, appropriately designated part thereto.

SECTION 2. This part shall be known and may be cited as the "Student Information in Higher Education Act of 2005".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Institution of higher education" means any four-year college or university, whether public or private, located in this state.

(2) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian, who is paying or has paid any part of the tuition and fees of a student for the current academic year, as defined by the institution of higher education.

(3) "Student" means any full-time or part-time student, twenty (20) years of age or younger, enrolled in courses at an institution of higher education who physically attends class on the property of the institution and whose tuition and fees are being paid, even if only in part, by the student's parent. For purposes of this act, persons enrolled exclusively in distance education courses at an institution of higher education are not students.

SECTION 4. Institutions of higher education shall inform parents and students of students' option to execute consent forms authorizing the institution of higher education to release certain otherwise confidential education records, as defined by federal law, to a designated parent, upon request.

SECTION 5. Middle Tennessee State University shall implement a pilot program to effectuate the provisions of this act for a period not to exceed one (1) academic year, as defined by Middle Tennessee State University. At the conclusion of the pilot program at Middle Tennessee State University, the program shall be evaluated by a committee, which shall be comprised of the sponsors of this act, the chair of the senate education committee and the chair of the house education committee. This committee may solicit input from personnel of the state university and community college system and the University of Tennessee system. The committee shall make its findings and recommendations regarding the evaluation of the pilot program public. At the commencement of the academic year, as defined by the institution of higher education, following publication of the committee's findings and recommendations, institutions of higher education shall implement an equivalent program in compliance with the findings and recommendations of the committee. For the duration of Middle Tennessee State University's pilot program and the evaluation thereof, other institutions of higher education are not required to comply with the provisions of this act.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 24, 2005

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 7<sup>th</sup> day of June 2005

  
PHIL BREDESEN, GOVERNOR